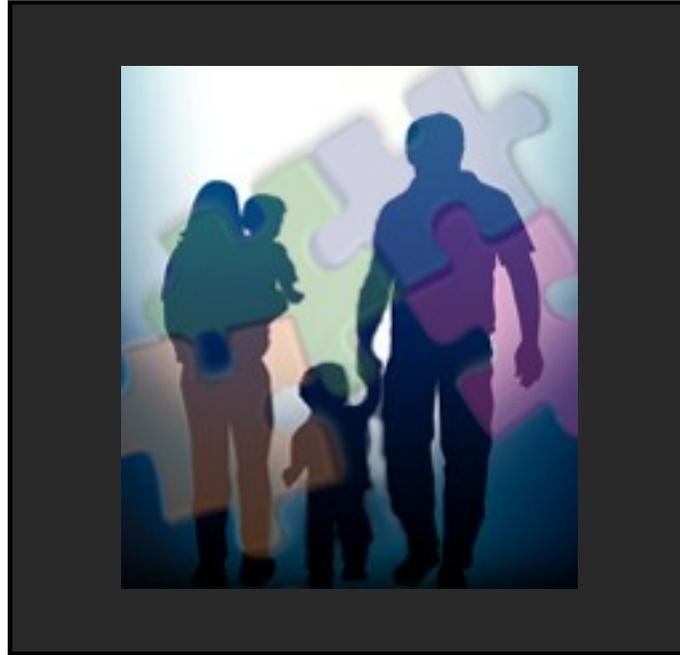


# Developing a Child Custody Parenting Plan



## *Handbook for Parents*



Superior Court of California  
County of San Diego

Family Court Services

# Developing a Child Custody Parenting Plan

## Table of Contents

Contents	Page
• Introduction .....	3
• Parenting Plan Basics .....	3
• Helping Your Children .....	6
• Communication and Co-Parenting .....	8
• Developmental Needs of Children.....	9
• Developing a Parenting Plan .....	10
• Parenting Plan Timeshare Worksheets .....	12
• Schedule for Holidays .....	13
• Schedule for Vacations .....	15
• Essential Parenting Plan Components.....	16

## Introduction

This handbook was created to provide separated and divorced parents with information to assist in developing child custody parenting plans. Topics addressed include:

- an overview of parenting plan guidelines,
- definitions of legal and physical custody,
- information on developmental needs of children, and
- options for parental contact on holidays, special days, and school breaks.

Additional information to help parents is presented on improving communication, co-parenting, and helping children adjust to parenting in two homes. This booklet is designed as a tool to assist you. It may not include all information that is legally required, it is not legal advice, and it should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. If you have any questions about your legal rights, you should talk to an attorney.

Additional information is available at [www.courts.ca.gov](http://www.courts.ca.gov).

## Parenting Plan Basics

Parents who separate will need to have a plan for deciding how their children will be cared for and where they will live or spend time. A parenting plan, also called a “custody and visitation agreement,” is the parents’ written agreement about:

- Time-share: a schedule for when the children will be with each parent; and
- Decision making: how the parents will make decisions about the health, education, and welfare of the children.

With a written plan, you and your children will know what to expect and will have fewer conflicts about shared parenting time. Most children benefit from having a routine they can count on. When you make a schedule, think about the quality of the relationships—not just the relationship between the children and each parent, but also between the parents and between the children and any other caregivers. When drafting your parenting plan, you might want to ask whether it:

- Meets your children’s basic needs for love, protection, and guidance, a healthy diet, good medical care, and enough rest.
- Considers your children’s ages, personalities, experiences, and abilities. Every child is different. Adjust your plan to your children, NOT your children to your plan.
- Gives your children regular, consistent times with each of you, when safe to do so. Consider day-to-day care, overnights, activities, schoolwork, vacations, and holidays. Use a calendar to help you.
- Provides enough detail so it is easy to understand and enforce.
- Gives your children a sense of security and a reliable routine.



# Different Types of Custody



## **PHYSICAL CUSTODY**

means where the children live and how they spend their time. Think about activities, overnights, and day-to-day care, and ask yourselves:

- Where should our children be during the week? On weekends?
- Where should our children be for holidays, summer vacations, and special days?
- Which parent will be in charge of which activities (sports, music, homework, etc.)?
- Which parent is in charge at which times?
- How will our children get from one parent to the other? Who will pay the costs of transportation?

### **Physical custody can be:**

Sole or primary, which means the children live with one parent most of the time and usually visit the other parent.

*or*

Joint, which means that the children live with both parents.

Joint physical custody does NOT mean that the children must spend exactly half the time with each parent. Usually the children spend a little more time with one parent than the other because it is too hard to split the time exactly in half. When one parent has the children more than half of the time, that parent is sometimes called the "primary custodial parent."



## **LEGAL CUSTODY**

means who makes important decisions about the children. Be clear and specific about which decisions each parent can make on his or her own and which decisions you will make together about:



- School or child care
- Religious activities or institutions
- Psychiatric, psychological, or other mental health counseling or therapy needs
- Doctor, dentist, orthodontist, or other health professional (except in emergency situations)
- Sports, summer camp, vacation, or extracurricular activities
- Travel
- Jobs and driving (for older children)

### **Legal custody can be:**

Sole, where only one parent has the right and responsibility to make the important decisions about the health, education, and welfare of the children.

*or*

Joint, where both parents share the right and responsibility to make the important decisions about the health, education, and welfare of the children. Parents who have joint legal custody EACH have the right to make decisions about these aspects of their children's lives, but they do not have to agree on every decision. Parents should communicate, meet and discuss all important issues regarding the health, education and welfare of their children in an effort to cooperatively arrive at a decision. These discussions may occur in person, by email or text, or by telephone. Parents should discuss these important matters well in advance of the need for a decision to be made. This will avoid unnecessary court appearances.

Except in cases of abuse or violence:

- Both parents can have information about the children.
- Both parents can call the children.
- Both parents can look at the children's medical and school records.
- Each parent can have the other parent's address and phone numbers and other contact information (like e-mail).

Sometimes a judge gives parents joint legal custody, but not joint physical custody. This means that both parents share the responsibility for making important decisions in the children's lives, but the children live with one parent most of the time. The parent who does not have physical custody usually has visitation with the children.

## Different Types of Visitation Orders

- **Visitation:** A parent who has the children less than half of the time has parenting time/time share with the children, also known as "visitation." Generally, it helps the parents and children to have detailed visitation plans to prevent conflicts and confusion.
- **Supervised Visitation:** This is used when the children's safety and well-being require that visits with the other parent be supervised by you, another adult, or a professional agency. Supervised visitation is sometimes also used in cases where a child and a parent need time to become more familiar with each other, such as when a parent has not seen the child in a long time and they need to slowly get to know each other again.
- **No Visitation:** This option is used when visiting with the parent, even with supervision, would be physically or emotionally harmful to the children. In these cases, it is not in the best interest of the children for the parent to have any contact with the children.

## The Law on Deciding Custody and Visitation

Custody decisions are based on what is in the "best interest of the child." To decide what is best for a child, the court may consider various factors, such as:



- The age of the child,
- The health of the child,
- The emotional ties between the parents and the child,
- The ability of the parents to care for the child,
- Any history of family violence or substance abuse, and
- The child's ties to school, home, and his or her community.

# Helping Your Children

Children may go through different stages when dealing with grief related to their parents' separation. Children may experience:

- Shock and denial that their parents are separating;
- Anger because their parents are separating;
- Depression — children may become overwhelmed with feelings of helplessness and sadness when significant changes are happening in their lives;
- Bargaining — when children try hard to make things the way they were, promising themselves or their parents anything to get their parents back together; and
- Acceptance — when children begin to talk more openly about the separation and get their energy and own interests back.



The experience of separation is different for children than it is for adults. Adults will seek relief from unhappiness, but children don't have the tools to do this. Children tend to worry about their parents and to blame themselves for the separation and/or divorce.

## Before Separation

- Children feel the tension in the home.
- Children worry what will happen to their parents and what will happen to them.
- Children feel anxious. They may have trouble sleeping or have problems in school.

## During Separation

- Children face shock and denial. They think, "This can't be happening!"
- Children worry that they may lose their parents' love.
- Children worry that they may be rejected by a parent.

## After Separation

- Children still worry about who will take care of them.
- If a parent is sad and unable to care for the home or the children, the child may try to do the parent's job.
- It can be hard for children to go back and forth between the parents' homes, especially if there is conflict between the parents.

## Children benefit when their parents:

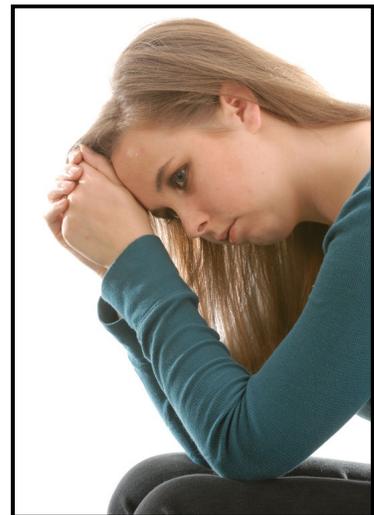


- Avoid conflict and any physical violence or verbal/emotional abuse.
- Handle rules and discipline in similar ways.
- Support appropriate and safe contact with grandparents and other extended family so the children do not experience a sense of loss.

- Are flexible so the children can take advantage of opportunities to participate in special family celebrations or events.
- Give as much advance notice as possible to the other parent about special occasions.
- Provide an itinerary of travel dates, destination, and ways that the children or parent can be reached when on vacation.
- Establish a workable “businesslike” method of communication.
- Plan their vacations around the children’s regularly-scheduled activities.

## Children are harmed when their parents:

- Use physical violence or engage in verbal/emotional abuse.
- Make their children choose between their parents.
- Question their children about the other parent’s activities or relationships.
- Make promises they do not keep.
- Put down the other parent in the children’s presence or range of hearing.
- Discuss problems they are having with the other parent with the children or in the children’s range of hearing.
- Use the children as messengers, spies, or mediators.
- Withhold access to the children for reasons unrelated to safety concerns.



# Communication and Co-Parenting

How you talk to each other and to your children can make a big difference. Try to think about the other parent as a business partner. Acting “businesslike” may help get your mind off the pain and stress so you can focus better on your children. Here are some tips:

<b>INSTEAD OF SAYING:</b>	<b>TRY SAYING:</b>
wife, husband, ex-wife, ex-husband, my “ex”	children’s mother, children’s father
has visitation with	stays with, comes over
custody and visitation agreement	parenting plan

- Be polite, just like you would be at work.
- Stay on the subject. Focus on doing what is best for your children.
- Control your emotions, just like you would do at work.
- Be clear and specific when you talk to the other parent. Write things down and keep business-like records of important agreements.
- Keep your promises. Your children need to be able to trust and rely on you. This is very important right now.
- Watch the words you use when you talk about divorce.
- Consider providing an email address to communicate specifically regarding parenting issues.

## Working Together as Parents

There are different ways for parents to work together after separating:

- Some work together as a team. They respect and support each other.
- Some have a more distant, businesslike relationship. They are not friends, but they talk about important issues, plan their households, and find ways to work out disagreements.
- Others do not fight, but they do not talk much either. They avoid fights by keeping each household separate.
- Some parents also have to deal with abuse or violence. These parents need to think about how to protect themselves and their children, and how to stop being violent.

### Parallel Parenting

- Each parent raises the children independently of the other parent.
- Parents talk to one another only in an emergency.
- There is little consistency between homes.
- There is less flexibility for both children and parents.
- May be necessary in high-conflict situations.

### Cooperative Parenting

- Parents work together in raising their children in two homes.
- Parents talk regularly.
- There is more consistency between homes.
- Major decisions are made together.
- There is more flexibility for both children and parents.
- Transitions are usually smoother for children.

When possible, cooperative parenting benefits children more than parallel parenting.

### **Tip for parents of infants/toddlers:**

Maintain a log book using business-like notes (no personal comments) to record information related to health, education and welfare issues that arise during the time the children are in your home. Send the book along with the children between the two homes.

# Developmental Needs of Children

Children are very different and have individual needs, depending on their relationship with their parents, their maturity level, and their extended family, friends, community, cultural background, and other factors. So, there is no “one size fits all” parenting plan for children of different ages. Children usually need some consistency in both parents’ homes to help them get used to the changes. You need to find a way to talk to the other parent about your children on a regular basis. This will help you avoid misunderstandings and keep small problems from getting big.

Separation and divorce can be difficult and may present emotional challenges for adults and children. Your children may need extra love, time, attention, and stability to deal with these changes. Get support from family, friends, support groups, and professionals so that you have the energy to help your children. Try to remember that most families make it through a separation or divorce and can be happy, well-adjusted children and parents. But if you or your children have problems that just do not seem to go away, ask your doctor, a parenting educator, or a counselor for help.

## Infants, Toddlers and Pre-School

- Tend to have a primary bond but can bond to several people
- Need a consistent schedule and lots of nurturing
- Have difficulty tolerating long separations from the primary caregiver
- The schedule should provide more frequent, shorter periods of time with the other parent



## School-Age Children

- Need an emotional foundation that provides confidence and self-worth
- The schedule should allow them to focus on school

## Pre-Adolescents

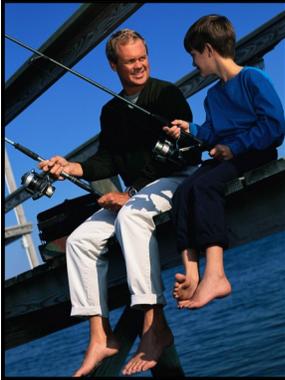
- Need help with school and peer problems
- The schedule should allow them to spend time doing organized activities and communicating with friends



## Adolescents

- Want their plans to be important, too
- May prefer to have a “home base”
- Need consistent rules in both households
- The schedule should be flexible
- May want to spend time with their peers, rather than their parents

## Developing a Parenting Plan



When preparing your proposal for a parenting plan, keep in mind the following:

- The child's age, developmental stage and needs.
  - The child's temperament and how the child deals with change.
  - The child's attachment to each parent and to his/her siblings.
- 
- Previous parenting arrangements. If a parent has never been part of a child's life or has not had contact with the child for an extended period, contact should start slowly and gradually increase as the child adjusts and feels comfortable.
  - The child's school, extracurricular, and social activities.
  - Both parents' strengths and weaknesses.
  - Providing a consistent, simple, and predictable schedule with smooth transitions between the parents' homes.
  - Ensuring that the child has frequent and continuing contact with both parents, when safe to do so.
  - Where both parents reside and their work schedules.
  - The level of conflict between the parents. (Higher levels of conflict require more detailed parenting plans.)
  - Safety concerns: domestic violence, child abuse, substance abuse, serious mental or emotional disorders. When a child's physical or emotional safety is at risk, it is necessary to protect the child. Parents should seek help from a mental health professional, an attorney, court services, domestic abuse agency, or local social service agency.



**Remember:  
This is about your *children!***



- **Your parenting plan should be specific:**  
Write down a proposed parenting plan before attending the Family Court Services appointment. Include specific times, locations and arrangements for who will provide the transportation for all exchanges. Children do better when they know and can rely on the plan. Parents argue less when the plan is specific.

- **Transitions:**

When thinking about your parenting plan, consider the number of transitions in a week and how your children will manage those times. Keep transition times conflict free.

- **Basic questions to ask yourself:**

Parents living apart should step back and think about whether a proposed parenting plan will actually work. For instance:

- How far is your home from the home of the other parent, and who is going to be responsible for transporting the children not only back and forth between the parents, but also to and from school, child care centers, doctor and dentist appointments, lessons, tutors, practices, games, etc.?
- What are your work schedules, your own school schedules?
- What are your children's school schedules, practice schedules, game schedules?
- What effect will your proposed plan have on your child's ability to spend time with friends and extended family members?
- Is there a need to protect your children from unacceptable behavior, such as violence or substance abuse, either by the other parent or some other person?



Children (especially younger children) often benefit a lot from having a predictable schedule, and predictable schedules also make planning much easier.

## Parenting Plan Timeshare Worksheets

The following worksheets will assist you in developing a specific parenting plan, and a plan for sharing holidays and vacations. Before completing the worksheets, it is suggested that you take a separate sheet of paper and write out your reasons why the schedule should be as you propose. Keep the best interests of your children in mind. You should also consider the work schedules of both parents.

It is important to recognize that a history of domestic abuse in your family may affect the development of a parenting plan. In some cases, shared parenting is not possible or in the best interests of children when there has been domestic abuse. However, even when there has been domestic abuse, it may be possible to use parts of the parenting agreement worksheet as a tool to decide how to parent apart and reduce the potential for parental conflict.

When filling in the boxes on the following worksheets, you can either:

- list the days and times you propose for both parents,
- or*
- list only the days/times you propose that the children be in your care, and it will be assumed the children will be with the other parent when not in your care.

Several worksheets are provided to present a variety of ways to consider sharing time with your children.

It is not necessary to complete all of the worksheets. Choose the ones that make the most sense for the plan you propose.

Usual Weekly Schedule						
Times and parents' names can be entered into the spaces to specify custodial period for each parent.						
	Time (from when to when)	Every Week	Alternate Weeks	First and Third Weeks	Second and Fourth Weeks	Fifth Week
Example Day- Wednesday	4:00 p.m. to 8:00 p.m.	Mother				
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Usual Weekly Schedule - 2							
Times and parents' names can be entered into the spaces to specify custodial period for each parent.							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Example Week 1	Mother from after school (3:00 p.m.)	Mother	Father from after school (3:00 p.m.)	Father	Mother from after school (3:00 p.m.)	Mother	Mother
Example Week 2	Mother	Mother	Father from after school (3:00 p.m.)	Father	Father	Father	Father
Week 1							
Week 2							
Week 3							
Week 4							
Week 5							

## Monthly Calendar for Planning

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Father-from after school (3:00 p.m.)	Father	Mother 4:00-8:00 p.m.	Father	Father	Father	Father
Mother-from after school (3:00 p.m.)	Mother	Father 4:00-8:00 p.m.	Mother	Mother	Mother	Mother
Father-from after school (3:00 p.m.)	Father	Mother 4:00-8:00 p.m.	Father	Father	Father	Father
Mother-from after school (3:00 p.m.)	Mother	Father 4:00-8:00 p.m.	Mother	Mother	Mother	Mother

**EXAMPLE**

Mon	Tues	Wed	Thurs	Fri	Sat	Sun

## Schedule for Holidays

### Considerations for Developing a Holiday Schedule:

- It is important for children to experience holidays with both parents and to develop holiday traditions with each parent and extended family as much as is possible.
- Parents should remember that whatever the relationship between the parents may be, the children probably want to acknowledge holidays and special days with both parents and may need the help of both parents to do so.
- It is critical for both parents to have the child's school schedule available when making holiday parenting plans.



- Holiday traditions involving travel to family gatherings should be considered when dividing holiday time. When travel or distance are issues, longer blocks of holiday time in alternating years may allow the children to participate fully in holiday activities with a parent or extended family members who live far away. Parents should be prepared to be flexible when holiday plans involve travel.
- The parent spending a holiday with a child may wish to facilitate some contact, such as a telephone call with the other parent on the holiday or special day.
- Participation in holiday activities, such as choosing gifts, etc., may mean that parents, regardless of their conflicts, must work cooperatively in the best interest of the children.
- Parents should keep in mind the ages and needs of children when forming holiday parenting plans.
- Holidays are extremely important to younger school-age children. Infants and toddlers may be unaware of the holiday and their presence at family gatherings may be more important to the adults. Older adolescents and teenagers may be less excited about holidays and holiday activities than younger children.
- Safety and enjoyment of the holiday should be the primary concern when planning holiday times with children.



- Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another. Examples of ways to share holidays include:

- Divide: Split the holiday or holiday weekend (not necessarily equally) with both parents.
- Alternate: One parent spends certain holidays with the children in even years, and the other parent spends those holidays with the children in odd years.
- Substitute: Parent always has a specific holiday in exchange for another holiday.
- Following Regular Schedule: Parents celebrate the holiday with the children if the holiday is during their regular parenting time.



## Holiday Worksheet

NOTE: Holiday and special days have priority over regular access periods.

Holiday	Time (from when to when)	Every Year Mother/Father	Even Years Mother/Father	Odd Years Mother/Father
Example Holiday	8:00 a.m. to 8:00 p.m.		Mother	Father
Example Holiday	8:00 a.m. to 2:00 p.m. 2:00 p.m. to 8:00 p.m.		Mother Father	Father Mother
New Year's Eve				
New Year's Day				
Kwanza				
Chinese New Year				
Martin Luther King's Birthday (weekend)				
Lincoln's Birthday				
President's Day (weekend)				
Passover				
Easter Sunday				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Labor Day (weekend)				
Rosh Hashanah				
Yom Kippur				

## Holiday Worksheet (Continued)

NOTE: Holiday and special days have priority over regular access periods.

Holiday	Time (from when to when)	Every Year Mother/Father	Even Years Mother/Father	Odd Years Mother/Father
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)				
Thanksgiving Day				
Thanksgiving (weekend)				
Hanukkah				
Christmas Eve				
Christmas Day				
Child's Birthday				
Mother's Birthday				
Father's Birthday				

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Schedule for Vacations



## Considerations for Developing a Vacation Schedule

- Each parent should give the other parent advance written notice as to vacation dates, destination, and phone numbers of where the child and parent can be reached.



- Telephone contact is recommended to increase the child's sense of continuity and security during the out-of-town vacation time.
  - If the child remains in town during a lengthy vacation period, the non-vacating parent may want to arrange a weekend or mid-week contact with the child.
  - Parents should give consideration to the child's activities during the summer before making final vacation plans in order to avoid conflict in schedules.
- Older adolescents may resist a rigid vacation schedule and may wish to express their ideas for a summer schedule that includes their activities and interests.
  - It is important for both parents to have the child's school schedule available before discussing vacation and school break plans. First consider your child's school schedule and whether he or she is on a "traditional" schedule with a long summer break and brief breaks in the winter and spring, or on a "track" schedule where there may be several longer breaks throughout the year. Some parents elect to continue their school-year plan during vacation periods, while others establish a different schedule during the child's vacations.



Examples of ways to share vacations include:

- During the child's off-track periods, the parents alternate weeks of custodial responsibility with the exchange to occur on Friday evening.
- During the child's summer vacation, the parents reverse the custodial plan so that the child is residing primarily in the home of the parent with whom he or she had less time during the school year.
- During the majority of the child's summer vacation, the regular parenting schedule is followed and the parents agree to a set period, such as two weeks of uninterrupted time, so that each parent can take a vacation with the child.

## Vacation and School Break Worksheet

Vacation and School Break Schedule	Time (from when to when)	Every Year Mother/Father	Even Years Mother/Father	Odd Years Mother/Father
Break Example First Half	School dismissal (3:00 p.m.) until noon on mid-point of break		Mother	Father
Break Example Second Half	Noon at mid-point of break until return to school		Father	Mother
Winter Break				
Winter Break First Half				
Winter Break Second Half				
Spring Break				
Spring Break First Half				
Spring Break Second Half				
Summer Break				
Summer Break First Half				
Summer Break Second Half				
Off-Track Break (First)				
Off-Track Break (Second)				
Off-Track Break (Third)				

# Essential Parenting Plan Components

Please check the boxes below indicating your custody proposal (both Legal and Physical) and your plan for transportation and communication.

## Custody

**Legal:** who makes important decisions about the children

- Joint
- Mother
- Father

**Physical:** where the children live and how they spend their time

- Joint
- Mother (primary residence)
- Father (primary residence)

## Exchanges/Transportation

- Curbside at the mother's residence
- Curbside at the father's residence
- At the receiving parent's residence
- At the sending parent's residence
- At a neutral location mutually agreed upon by the parents.

Location: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

## Communication

Type of Communication: Contact between the children and the parents when in the other parent's care can/will be made by:

- Telephone (Consider your preferred phone number(s) to provide for contact)
- Email (Consider your preferred email address(es) to provide for contact)
- Internet (such as Skype, iChat, Facetime, etc.)

Contact will be:

- Reasonable (schedule not specific)
- Specific (list your proposal for days and times)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_